

Remarks:

The present amendment is being filed in response to the Office Action of December 29, 2005 and further to the RCE filed simultaneously herewith.

The Office Action rejected Claims 13-31 rejected under 35 U.S.C. 102 (b) as being anticipated by the Fujiie reference (U.S. Patent No. 5,528,569). The Applicant notes that Claims 32-42 were not addressed in the Office Action.

In order to clarify feature of the presently claimed invention, the independent claims have been amended and claims 43-66 have been added. As an RCE is being filed herewith, entry of these additional claims is proper.

In Fujiie, it is described that "In more detail, each cluster C is composed of 32 sectors or blocks B0 to B31, and five linking sectors L1 to L5 are arranged between these clusters C for linking the adjoining clusters, as shown in FIG. 3. For recording a cluster, such as a K'th cluster Ck, the 32 sectors B0 to B31 of the cluster Ck, and the linking sectors arrayed before and after the cluster Ck, namely the three sectors L3 to L5 towards the cluster Ck-1 and the three blocks L1 to L3 towards the cluster Ck+1 sectors, making a total of 38 sectors, are recorded as one unit". (See col. 9, line 63 to col. 10, line 6, and FIG. 3 of Fujiie).

That is, in Fujiie, when the recording data, that is data read out from memory 14, is recorded, the total of 38 sectors having three linking sectors (dummy data) at a head portion (run-in blocks), become one record unit. Therefore, for example, by using the dummy data which is positioned at the head portion of the record unit including the cluster Ck, the data within the cluster Ck can be recorded without data broken.

On the other hand, in the presently claimed invention of the amended independent claims, for example as shown in Fig. 7, the second recording for recording second record information (new data) is started from an intermediate position of the next ECC block by using a part of the second record information (new data). Therefore, the present invention and the art Fujiie differ.

In addition, if a head portion of the ECC block is broken, there is a case where the ECC block cannot be accurately reproduced because it is difficult for a reproducing apparatus to recognize a start position of the ECC block. However, according to the present invention, since the second recording is started from an intermediate position of the next ECC block, the head portion of the next ECC block is not broken by cause of recording the second recording information. Even if the part of the second record information is broken by cause of the linking, it is possible to accurately reproduce the second record information by completing the broken data (e.g. an error correction based on the ECC block or replacing a dummy data in the linking area with a predetermined data). Therefore, it is possible to more effectively utilize the record area.

Accordingly, Fujiie does not disclose features of the presently claimed invention and the rejection is overcome.

In view of the foregoing remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ronald E. Brown", with a stylized flourish at the end.

Ronald E. Brown
Registration No. 32,200

Gerald Levy
Registration No. 24,419

212.297.5800
Pitney Hardin LLP
7 Times Square
New York, NY 10036-7311